UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,328	10/31/2003	Edward Alan Clark	LUC-434/Clark 11	9806

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EXAMINER
SHIN, KYUNG H

ART UNIT	PAPER NUMBER
2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/698,328	CLARK, EDWARD ALAN
	Examiner	Art Unit	
	Kyung H. Shin	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/31/03_

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responding to application papers filed on **10-31-2003**.

2.   Claims **1 - 20** are pending.   Claim **1, 17, 20** are independent.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claim **1 - 6, 8 - 14, 17 - 20** are rejected under 35 U.S.C. 102(e) as being

anticipated by **Savage, III et al.** (US PGPUB No. **20020009014**).

Regarding Claim 1, Savage discloses an apparatus, comprising: one or more

application server components that transmit one or more user inputs to one or more

telephony devices on a call through employment of one or more data streams

associated with the call. (see Savage paragraph [0017], lines 1-6; multiple servers,

multiple clients (i.e. telephony devices); paragraph [0108], lines 5-9: telephony devices

(i.e. electronic transmission of voice, RTP); paragraph [0017], lines 8-14: client requests

(i.e. user inputs); paragraph [0019], lines 8-15; paragraph [0089], lines 1-6; paragraph

[0052], lines 1-7: data transmissions between multiple clients (i.e. telephony devices)

utilizing servers, conference communications)

Regarding Claim 2, Savage discloses the apparatus of claim 1, wherein the one or

more application server components (see Savage Figure 1; paragraph [0017], lines 1-6:

server(s), facilitate communications between clients) cooperate with the one or more

telephony devices to establish one or more web portals that are employable by the one

or more telephony devices to initiate the one or more user inputs. (see Savage

paragraph [0011], lines 4-9; paragraph [0005], lines 1-5: web portals interface,

paragraph [0023], lines 1-6: user interface (i.e. at web portal) for client (i.e. user) inputs)

Regarding Claim 3, Savage discloses the apparatus of claim 2, wherein the one or

more application server components (see Figure 1; paragraph [0017], lines 1-6:

server(s), facilitate communications between clients) employ the one or more web

portals to receive the one or more user inputs from the one or more telephony devices.

(see Savage paragraph [0011], lines 1-9; paragraph [0005], lines 1-5: web portals, real-

time communications between clients; paragraph [0019], lines 8-15; paragraph [0089],

lines 4-6: user inputs transferred between clients (i.e. telephony devices))

Regarding Claim 4, Savage discloses the apparatus of claim 2, wherein the one or

more application server components (see Figure 1; paragraph [0017], lines 1-6:

server(s), facilitate communications between clients) associate the one or more web

portals with the one or more data streams. (see Savage paragraph [0011], lines 1-9: web portal, real-time communications among multiple clients; paragraph [0019], lines 8-15; paragraph [0089], lines 4-6: server(s) control communications (i.e. data streams) between clients)

Regarding Claim 5, Savage discloses the apparatus of claim 2, wherein the one or more application server components (see Figure 1; paragraph [0017], lines 1-6: server(s), facilitate communications between clients) provide one or more interfaces through employment of the one or more web portals for employment by the one or more telephony devices to initiate the one or more user inputs. (see Savage paragraph [0017], lines 8-14; paragraph [0022], lines 1-11: setup of data streams between two clients)

Regarding Claim 6, Savage discloses the apparatus of claim 2, wherein the one or more application server components (see Figure 1; paragraph [0019], lines 1-4: server(s), facilitate communications between clients) employ an internet protocol to establish the one or more web portals. (see Savage paragraph [0108], lines 5-9; paragraph [0095], lines 1-7: RTP, UDP/IP (i.e. Internet protocols) utilized; paragraph [0040], lines 3-6: Internet communications between servers and clients)

Regarding Claim 8, Savage discloses the apparatus of claim 1, wherein the one or more application server components allow the one or more telephony devices to interact

through employment of the one or more data streams. (see Savage paragraph [0019],

lines 8-15; paragraph [0089], lines 4-6: data streams (i.e. incoming and outgoing)

utilized for communications between clients, controlled by servers)

Regarding Claim 9, Savage discloses the apparatus of claim 8,

a) wherein the one or more application server components employ the one or more

    data streams to transfer data related to one or more interactions available to the

    one or more telephony devices; (see Savage paragraph [0019], lines 8-15;

    paragraph [0086], lines 1-6: server(s) control communications between multiple

    clients (i.e. telephony devices))

b) wherein the one or more application server components provide the one or more

    interactions to the one or more telephony devices for employment by the one or

    more telephony devices to interact with one or more of the one or more

    telephony devices. (see Savage paragraph [0019], lines 8-15; paragraph [0086],

    lines 1-6: server(s) control the communications (i.e. interactions) between

    multiple clients (i.e. telephony devices))

Regarding Claim 10, Savage discloses the apparatus of claim 9, wherein the one or

more application server components associate the call with the one or more interactions

available, wherein the one or more application server components provide the one or

more interactions available that allow the telephony devices to initiate the one or more

user inputs from the one or more available interactions. (see Savage paragraph [0022],

lines 1-11; paragraph [0020], lines 8-16: server (i.e. dispatch server) initiates

communications for clients (i.e. telephony device))

Regarding Claim 11, Savage discloses the apparatus of claim 8,

    a) wherein the one or more application server components comprise a first

        application server component and a second application server component,

        wherein the one or more telephony devices comprise a first telephony device and

        a second telephony device; (see Savage Figure 1; paragraph [0017], lines 1-6:

        multiple server (i.e. application server), multiple clients (i.e. telephony devices))

    b) wherein the first application server component provides one or more interactions

        available to the first telephony device that allow the first telephony device to

        initiate a user input from the one or more interactions available; (see Savage

        paragraph [0017], lines 8-14; paragraph [0023], lines 1-6: user interface to initiate

        communications, conference)

    c) wherein in response to the user input from the first telephony device to the first

        application server component, the first application server component transmits

        the user input to the second application server component through employment

        of the one or more data streams; (see Savage paragraph [0019], lines 8-15;

        paragraph [0089], lines 4-6: data streams utilized for communications between

        clients (i.e. telephony devices))

    d) wherein the second application server component provides the user input to the

        second telephony device. (see Savage paragraph [0019], lines 8-15; paragraph

[0089], lines 1-6: server(s) control communications for clients (i.e. first, second telephony devices))

Regarding Claim 12, Savage discloses the apparatus of claim 11,

a) wherein the user input comprises a first user input of the one or more user inputs, wherein the second telephony device initiates a second user input to the first telephony device; (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-8; paragraph [0052], lines 1-7: first, second clients (i.e. first, second telephony devices) in communications, conference capability, multiple clients (i.e. telephony devices) in communications)

b) wherein the first application server component and the second application server component cooperate to transmit the second user input to the first application server component through employment of the one or more data streams; (see Savage paragraph [0048], lines 3-6: dispatch server, media server communicate for authentication, authentication server validates request and transmits request to dispatch server; paragraph [0052], lines 1-7: multiple clients (i.e. telephony devices) in communications)

c) wherein the first application server component provides the second user input to the first telephony device. (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-6: data stream, input/response for clients (i.e. telephony devices), multiple clients (i.e. telephony devices) in communications)

Regarding Claim 13, Savage discloses the apparatus of claim 2,

    a) wherein the one or more user inputs comprise one or more sales interactions (see Savage paragraph [0056], lines 8-14: sales function interaction), wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (see Savage Figure 1; paragraph [0011], lines 1-4: multiple clients (i.e. first, second telephony devices))

    b) wherein the one or more application server components provide the one or more sales interactions (see Savage paragraph [0056], lines 8-14: sales function interaction) that allow the first telephony device to initiate one or more of the one or more sales interactions to the second telephony device; (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 4-6: information exchanged between multiple clients (i.e. first, second))

    c) wherein the one or more application server components cooperate to transmit the one or more of the one or more sales interactions (see Savage paragraph [0056], lines 8-14: sales function interaction) from the first telephony device to the second telephony device through employment of the one or more data streams. (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-6: data streams (i.e. incoming, outgoing) transmit information between clients (i.e. telephony devices))

Regarding Claim 14, Savage discloses the apparatus of claim 13,

a) wherein the one or more sales interactions (see Savage paragraph [0056], lines
8-14: sales function interaction) comprise a request for authorization, wherein the
one or more application server components provide the one or more sales
interactions that allow the first telephony device to initiate the request for
authorization to the second telephony device; (see Savage paragraph [0048],
lines 1-13; paragraph [0073], lines 1-9: authentication, validation request for
client)

b) wherein in response to the request for authorization from the first telephony
device to the first application server component, the first application server
component transmits the request for authorization to the second application
server component through employment of the one or more data streams; (see
Savage paragraph [0048], lines 3-6: servers communicate for authentication,
authentication server validates request and transmits request to dispatch server)

c) wherein the second application server component provides the request for
authorization to the second telephony device that allows the second telephony
device to initiate a response to the request for authorization. (see Savage
paragraph [0048], lines 1-13; paragraph [0073], lines 1-9: authentication,
validation request of clients (i.e. first, second telephony devices))

Regarding Claim 17, Savage discloses a method, comprising the step of: transmitting
one or more user inputs to one or more telephony devices on a call through
employment of one or more data streams associated with the call. (see Savage

paragraph [0017], lines 1-6: multiple clients (i.e. telephony devices); paragraph [0019],

lines 8-15; paragraph [0089], lines 4-6: data stream (i.e. user inputs/responses)

transmitted between clients)

Regarding Claim 18, Savage discloses the method of claim 17, wherein the step of

transmitting the one or more user inputs the one or more telephony devices on the call

through employment of the one or more data streams associated with the call

comprises the steps of:

   a) establishing one or more web portals with the one or more telephony devices;

      (see Savage paragraph [0011], lines 1-9: web portal, communications with

      multiple clients (i.e. telephony devices))

   b) initiating the one or more user inputs through employment of the one or more

      web portals; (see Savage paragraph [0011], lines 1-9: web portals, real-time

      communications between portal and clients (i.e. telephony devices); paragraph

      [0023], lines 1-6: user interface, user inputs) and

   c) transmitting the one or more user inputs through employment of the one or more

      data streams. (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines

      1-6: data stream transmissions for client (i.e. user) inputs/responses)

Regarding Claim 19, Savage discloses the method of claim 18, wherein the one or

more telephony devices comprise a first telephony device and a second telephony

device, wherein the step of transmitting the one or more user inputs through

employment of the one or more data streams comprises the steps of:

  a) associating the one or more web portals with the call; (see Savage paragraph

     [0011], lines 1-9: web portal; paragraph [0040], lines 3-6: communications

     network; paragraph [0051], lines 5-26: call setup/communications capabilities)

     and

  b) associating the one or more web portals with the one or more data streams. (see

     Savage paragraph [0011], lines 1-9: portals communications; paragraph [0089],

     lines 4-6; paragraph [0019], lines 8-15: data stream (i.e. incoming, outgoing),

     communications between clients (i.e. telephony devices))

Regarding Claim 20, Savage discloses an article, comprising:

  a) one or more computer-readable signal-bearing media; (see Savage paragraph

     [0131], lines 8-16: computer readable medium, CD, hardware devices)

  b) means in the one or more media for transmitting one or more user inputs to one

     or more telephony devices on a call through employment of one or more data

     streams associated with the call. (see Savage paragraph [0131], lines 1-8:

     software, implementation means)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims **7, 15, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Savage in view of **Cloutier et al.** (US PGPUB No. **20040015405**).

Regarding Claim 7, Savage discloses the apparatus of claim 6,

further comprising wherein the internet protocol, wherein the one or more

application server components employ communications to establish the one or more

web portals. (see Savage paragraph [0040], lines 3-6: Internet communications;

paragraph [0011], lines 4-9; paragraph [0005], lines 1-5: web portals interface)

Savage does not specifically disclose the usage of HTTP communications protocol.

However, Cloutier discloses:

a) wherein the internet protocol comprises a HyperText Transport Protocol (HTTP);

(see Cloutier paragraph [0016], lines 5-11: telephony services; paragraph [0058],

lines 5-12: web portal capabilities; paragraph [0055], lines 5-9:, HTTP protocol,

HTML language)

b) wherein employ the HyperText Transport Protocol. (see Cloutier paragraph

[0016], lines 5-11: telephony services; paragraph [0058], lines 5-12: web portal

capabilities; paragraph [0055], lines 5-9:, HTTP protocol, HTML language)

It would have been obvious to one of ordinary skill in the art to modify Savage

as taught by Cloutier to enable the capability to the HTTP protocol and HTML

language. One of ordinary skill in the art would have been motivated to employ the

teachings of Cloutier in order to enable a more efficient service provider selection

process by providing a single interface to evaluate broadband service providers.

(see Cloutier paragraph [0092], lines 10-16: " ... *Current HFC open access systems*

do not allow for an end-user to select among multiple SPs via a single user interface.

This invention improves the SP selection process, and thus contributes to more

efficient service selection and activation by enabling the end-user to access a single

interface, which can be used to evaluate and select a desired SP for broadband

services. ... ")

Regarding Claim 15, Savage discloses the apparatus of claim 2,

a) wherein the one or more user inputs comprise one or more support interactions,

   wherein the one or more telephony devices comprise a first telephony device and

   a second telephony device; (see Savage paragraph [0017], lines 1-6: multiple

   clients (i.e. first, second telephony devices); paragraph [0019], lines 8-15;

   paragraph [0089], lines 1-6: communications between clients (i.e. first, second

   telephony devices))

b) wherein the one or more application server components provide the one or more

   support interactions that allow the first telephony device to initiate one or more of

   the one or more interactions to the second telephony device; (see Savage

paragraph [0019], lines 8-15; paragraph [0089], lines 1-6: communications

between clients; paragraph [0052], lines 1-7: multiple client communications,

conference)

c) wherein the one or more application server components cooperate to transmit the

one or more of the one or more interactions to the second telephony device

through employment of the one or more data streams. (see Savage paragraph

[0019], lines 8-15; paragraph [0089], lines 1-6: communications between clients;

paragraph [0052], lines 1-7: multiple client communications, conference)

Savage does not specifically disclose one or more support interactions.

However, Cloutier discloses wherein one or more support interactions. (see

Cloutier paragraph [0016], lines 5-11: telephony services; paragraph [0058], lines

5-12: web portal capabilities; paragraph [0026], lines 1-4; paragraph [0046], lines

10-23: support services interactions)

It would have been obvious to one of ordinary skill in the art to modify Savage

as taught by Cloutier to enable the capability to utilize support interaction. One of

ordinary skill in the art would have been motivated to employ the teachings of

Cloutier in order to enable a more efficient service provider selection process by

providing a single interface to evaluate broadband service providers. (see Cloutier

paragraph [0092], lines 10-16)

Regarding Claim 16, Savage discloses the apparatus of claim 15,

a) wherein the one or more support interactions comprise a service, wherein the one or more application server components provide the one or more interactions to allow a user of the first telephony device to initiate the service to the second telephony device; (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-6: communications, interactions between first and second client (i.e. first, second telephony devices))

b) wherein in response to the service from the first telephony device to the one or more application server components, the one or more application server components transmit the service to the second telephony device through employment of the one or more data streams; (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-6: communications, interactions between first and second client (i.e. first, second telephony devices))

c) wherein the one or more application server components provide the service to the second telephony device that allows the first telephony device to interact with the second telephony device. (see Savage paragraph [0019], lines 8-15; paragraph [0089], lines 1-6; paragraph [0052], lines 1-7: communications, interaction between first and second client (i.e. first, second telephony devices))

Savage does not specifically disclose diagnostic service interactions. However, Cloutier discloses wherein diagnostic service. (see Cloutier paragraph [0016], lines 5-11: telephony services; paragraph [0058], lines 5-12: web portal capabilities; paragraph [0047], lines 4-10; paragraph [0062], lines 1-9: maintenance (i.e. diagnostic) service interactions)

It would have been obvious to one of ordinary skill in the art to modify Savage

as taught by Cloutier to enable the capability to utilize diagnostic service

interactions. One of ordinary skill in the art would have been motivated to employ

the teachings of Cloutier in order to enable a more efficient service provider

selection process by providing a single interface to evaluate broadband service

providers. (see Cloutier paragraph [0092], lines 10-16)

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-

3920. The examiner can normally be reached on 9:30 am - 6 pm.
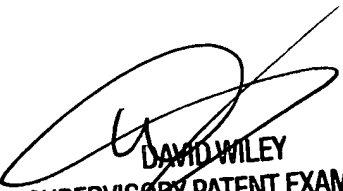
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K H S
Kyung H Shin
Patent Examiner
Art Unit 2143

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KHS
March 1, 2007

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